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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,603	10/23/2003	Yamaya Kiyohiko	JA-TES/US 1	3441

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EXAMINER

QIN, JIANCHUN

ART UNIT PAPER NUMBER

2837

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,603

Applicant(s)

KIYOHICO, YAMAYA

Examiner

Jianchun Qin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s), ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/23/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objection

1. Claim 1 is objected to since it recites a method claim but without providing any active method steps. A method must consist of active method steps such as "monitoring" in "ing" form.

Claims 4-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must refer to the claims in the alternative only. See MPEP § 608.01(n). Accordingly, claims 4-11 have not been further treated on the merits.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2 and 5-8, the phrase "can be" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "can be"), thereby rendering the scope of the claim(s) unascertainable. See MPEP

Art Unit: 2837

§ 2173.05(d). Since claims 3, 4 and 9-11 all depend on claim 2 directly or indirectly, they also contain this limitation and are also indefinite.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakaya (U.S. Pub. No. 20030094094).

With respect to claim 1:

Nakaya teaches an method for processing sounds from a stringed instrument having strings, a vibration plate used to radiate vibration of each string as a sound wave, and a fingerboard used to adjust a pitch of each string, wherein a sensor is pressure-contacted with the vibration plate including the fingerboard, directly or via a vibration transmitter to capture vibration of said vibration plate in a form of a vibration force, and the sensor converts the vibration force into electric signals for output (sections 0019, 0021 and 0092; section 0093, lines 1-3; and section 0114).

With respect to claim 2:

Art Unit: 2837

Nakaya teaches a pickup device for sounds from a stringed instrument having in a main body one or more strings, a vibration plate used to radiate vibration of each string as a sound wave, and a fingerboard used to adjust a pitch of each string, wherein the pickup device comprises a vibration transmitter that can be pressure-contacted with the vibration plate of the stringed instrument main body and a sensor that receives a vibration force from the vibration transmitter to convert the vibration force into an electric signal (sections 0019, 0021 and 0092; section 0093, lines 1-3; and section 0114).

With respect to claim 3:

The teaching of Nakaya further includes: said sensor is pressure-contacted directly with the vibration plate of the stringed instrument main body (section 0093, lines 1-3 and section 0114).

Prior Art Citations

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Takabayashi (U. S. Pub. No. 20040255762) is entitled "Stringed musical instrument equipped with pickup embedded in bridge and bridge used therein".

2) Suenaga (U. S. Pub. No. 20030188629) is entitled "elelectronic percussion instrument for producing sound at intended loudness and electronic percussion system using the same".

Art Unit: 2837

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 7am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JQ
June 24, 2005

Jianchun Qin
Examiner
Art Unit 2837


DAVID MARTIN
SUPERVISORY PATENT EXAMINER
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